

TITLE 9

GARBAGE & REFUSE

Adopted Ord. 94-13, 4/12/94 Published 4/28/94.

Chapter 1 GARBAGE DISPOSAL

9-1-1. Definitions.

- (a) Bulky Waste - stoves, refrigerators, water tanks, washing machines, furniture and other waste materials other than construction debris, dead animals, hazardous waste or stable matter with weights or volumes greater than those allowed for bins, such as bulky waste to be picked up by Sandy City only during those specifically authorized community clean-up drives as may be sponsored from time to time by Sandy City.
- (b) Commercial and Industrial Refuse - All bulky waste, construction debris, garbage, rubbish and stable matter generated by a producer at a commercial and industrial unit.
- (c) Contractor - The person, corporation or partnership performing refuse collection and disposal under contract with the City.
- (d) Dead Animals - Animals or portions thereof equal to or greater than 10 lbs. in weight that have expired from any cause except those slaughtered or killed for human use, such dead animals to be included as part of the normal garbage and refuse pickup only in the event that such pickup is allowed and authorized by the Salt Lake County Board of Health and the landfill to which the garbage and refuse is eventually deposited.
- (e) Disposal Site - A refuse depository including but not limited to sanitary landfills, transfer stations, incinerators, and waste processing/separation centers licensed, permitted or approved by all governmental bodies and agencies having jurisdiction and requiring such licenses, permits or approvals.
- (f) Garbage - Any and all dead animals of less than 10 lbs. in weight, except those slaughtered for human consumption; every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing,

consumption, dealing in, handling, packing, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including, but not by way of limitation, used tin cans and other food containers; and all putrescible or easily decomposable waste animal or vegetable matter which is likely to attract flies or rodents); except (in all cases) any matter included in the definition of bulky waste, construction debris, dead animals, hazardous waste, rubbish or stable matter, subject to the requirements and provisions respecting the pickup of any of the above included items as may be required by the Salt Lake County Board of Health and the landfill to which the garbage is eventually carried and deposited.

- (g) Hazardous Waste - Any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency of the State to be "hazardous" as that term is defined by or pursuant to Federal or State law.
- (h) Residential Unit - A dwelling within the corporate limits of the City occupied by a person or group of persons comprising not more than two families. A residential unit to which service must be rendered under the provisions of this agreement shall be either a single family residential unit or a duplex residential unit. A residential unit shall be deemed occupied when either water or domestic light and power services are being supplied thereto. A condominium dwelling unit, apartment dwelling unit or other multiple dwelling unit, other than a duplex, shall not be considered a residential unit for purposes of this chapter.
- (i) Rubbish - All waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging or wrapping crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all waste materials not included in the definition of bulky waste, construction debris, dead animals, garbage, hazardous waste or stable matter, subject to the provision that none of the above shall be collected by the agents of Sandy City unless such rubbish is packaged in compliance with the regulations of Sandy City regarding the size and weight of such rubbish packaging.

9-1-2. Disposal Regulated.

No person, firm or corporation shall, for the purpose of final disposal thereof, dump, place or bury in any lot, street, land, or in any alley, or in any water or waterway, within the corporate limits of Sandy City, any garbage, rubbish, bulky waste, dead animal or hazardous waste or other waste matter or any other deleterious or offensive substance, and all such substances must be disposed of at the Sanitary Fill operated by the City, or outside of the corporate limits of Sandy City.

9-1-3. Removal of Waste Required.

No person owning or occupying any building, lot or premises in Sandy City shall suffer, allow or permit to collect and remain upon said lot or premises any garbage, for a period of more than one week, or any rubbish for a period of more than four weeks.

9-1-4. Waste Receptacles.

- (a) Every owner, tenant or occupant of any premises where garbage is created shall provide upon such premises, in a suitable place, one or more durable receptacles, or other durable receptacles as may be provided by the City for automated collection service, with tight fitting cover, for receiving and holding all garbage created upon such premises between the times of collection and removal. Every owner, tenant, or occupant of any premises where rubbish is created shall, where necessary, in addition to the garbage receptacle, provide upon such premises in a suitable place, one or more receptacles, or depositories to contain all rubbish which may accumulate upon such premises between removals. All subscribers for service, as herein provided, shall at all times locate such receptacles at places, so as to be readily accessible for removing and emptying the same, but they shall not be placed within the limits of any street, or alley within the corporate limits of Sandy City, or anywhere so as to constitute a nuisance.
- (b) All garbage and rubbish receptacles shall be kept in a clean and sanitary condition by the owner or person using the same, and garbage receptacles shall be kept tightly covered at all times except when garbage is being deposited therein or removed therefrom, and shall at all times be protected against the access by flies to the contents thereof.
- (c) All garbage and rubbish receptacles shall not be stored within the front yard setback of a home, or in the case of corner lots, within the front and side setbacks adjacent to public streets, except during the time period set aside for garbage collection.

9-1-5. Garbage to be Placed in Receptacle.

- (a) All garbage shall be placed in the garbage receptacle required by Section 9- 1-4 of this ordinance. All rubbish must be placed in the receptacle, or depositories provided for said rubbish or in the garbage receptacle.
- (b) No liquid garbage shall be deposited with any garbage or rubbish. All kitchen garbage shall be drained of all moisture and completely wrapped in paper before being placed in the garbage container.

9-1-6. Compliance Required.

A duly authorized representative of Sandy City or the contractor engaged by Sandy City to provide solid waste and limits of the City shall, from time to time, examine the sanitary

conditions of said premises and determine compliance with the provisions of this chapter. Upon notification, all persons, firms or corporations shall, within three days of the receipt of such notice, comply with the provisions of this chapter or be deemed guilty of a misdemeanor.

9-1-7. Collection Restricted.

It shall be unlawful for any person, firm or corporation other than those which have been authorized and approved by Sandy City, to collect, remove or dispose of garbage or newspaper in Sandy City. The provisions of this section shall not apply to any person transporting his own garbage or rubbish to the sanitary landfill or to places outside the City limits.

9-1-8. Frequency of Removal.

Removal of garbage or rubbish from the premises of the subscribers for service herein provided shall be made at least once each week.

9-1-9. Districts.

The City may be divided into sanitary districts for the purpose of collecting garbage and rubbish.

9-1-10. Fees and Method of Collection.

- (a) For the services of the solid waste collection and removal, in collecting and disposing of garbage and rubbish, the owner, tenant or occupant of each place to which the services of solid waste collection are made available, and each person disposing of his own garbage or rubbish at the sanitary landfill, shall be charged such fees as may be established by resolution of the City Council. Said fees and charges shall be deemed a civil debt owing to the City from the owner, tenant or occupant of the property to which the solid waste collection services are made available.
- (b) The Sandy City Council may place said solid waste collection and removal service charge on the culinary statement and upon collection of the same, such funds shall be placed with the City Treasurer and disbursed by the City.

9-1-11. Rules and Regulations.

The City shall have the power to establish rules and regulations which are not inconsistent with the provisions of this chapter, which shall govern the keeping, collection, removal and disposal of garbage and rubbish within the City.

9-1-12. Penalty.

Any person violating any provisions of this chapter shall be guilty of a misdemeanor and unless a different penalty shall be provided for such violation by this ordinance, such violation shall be deemed an infraction.

Chapter 2 STORAGE OF REFUSE

9-2-1. Definitions.

For the purpose of this chapter, the following terms shall be defined as follows:

- (a) Junk. Junk is any worn out, cast-off or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some other use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.
- (b) Junk Vehicles. A junk vehicle is any vehicle that:
 - (1) has been made inoperable due to a collision or other violent act; or
 - (2) has had parts removed from the vehicle rendering the vehicle inoperable, or contains defective parts making the vehicle undrivable, and has remained in such state for a period longer than thirty (30) days. Portions of junk vehicles, such as hoods, fenders, radiators, rims, motors, etc. not being immediately utilized for the repair of a motor vehicle, shall be considered junk.
- (c) Rubbish. Rubbish means and includes wire, chips, shavings, bottles, broken glass, crockery, tin, cast or wooden ware, boxes, rags, dead weeds, stumps, tree trunks, brush, paper circulars, hand bills, boots, shoes, ashes, or any waste material other than garbage or offal.
- (d) Owner. The term owner as used herein shall be the person, firm, or corporation in whose name said premises are listed in the records of deeds in the Recorder's Office for Salt Lake County, Utah.
- (e) Notice. The "notice" hereinafter provided for shall be a letter in a form approved by Council, stating the manner in which this ordinance is being violated, the description and/or location of the premises, the name of the owner(s) and tenants (if any) of said premises and the period of time within which said premises shall be cleared from the violation of this ordinance.

9-2-2. Storage of Refuse Prohibited.

No person, firm or corporation shall deposit, store, maintain, collect, or permit the storage, deposit, maintenance or collection of any junk, junk vehicles, or rubbish, on his own premises or any premises it or they own or use under his or their control, or in any other place within the municipality, city street and alley or right-of- way or otherwise, unless expressly provided by law.

9-2-3. Enforcement.

- (a) Any person, firm or corporation violating the provisions of this ordinance shall, within fifteen (15) days after notification of said violation by the City, remove or cause to be removed, any junk, junk vehicles, and rubbish or have the same placed in an adequate enclosure or building, and in the event of failure he or they shall be deemed guilty of violating the provisions of this ordinance.
- (b) Such notice as is hereinabove provided shall be served upon the owner and tenant if there is such, by certified mail or by an officer of the Sandy City Police Department or by the Community Development Department Director or his designee.
- (c) The fact that such premises are rented or leased by the owner to another party shall not relieve said owner from the responsibilities herein created.

9-2-4. Penalty.

Whoever violates any provision of this chapter shall be guilty of a class B misdemeanor. Any violation shall constitute a separate offense on each successive day continued.

Chapter 3 INSPECTION AND CLEANING OF REAL PROPERTY

9-3-1. Real Property to be Kept Clean.

It shall be unlawful for any person, corporation, partnership, or legal entity owning or occupying real property in the City to allow weeds on such property to grow beyond the maximum height permitted or to fail to remove from the property any such weeds, refuse, garbage or any unsightly or deleterious objects or structures after having been given written notice from the director. Whenever the term "director" is used in this chapter, it shall mean the director of the Salt Lake City/County Board of Health or the Sandy City Community Development Director and shall include the designated representative or agent of either.

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9-3-2. Standards of Weed Control.

Weeds shall be permitted to reach a height of not more than 6 inches at any time and shall be cleared from all real property in the City. The cutting shall be cleared and removed from the premises.

9-3-3. Examination and Investigation.

The Director shall be authorized to make examination and investigation of all real property in the City to determine whether owners of such property are complying with the provisions of this chapter.

9-3-4. Duty of the Director - Notice.

Upon a determination that a violation of the provisions of this chapter exists, the director shall ascertain the name of the owner and a description of the premises where the violation exists, and shall serve notice in writing upon the owner or occupant of such property, either personally or by mailing notice, postage prepaid, addressed to the owner or occupant at the last known post office address as disclosed by the records of the county assessor, requiring such owner or occupant, as the case may be, to eradicate, destroy, or remove the weeds, garbage, refuse, objects or structures causing the violation within such time as the director or his authorized representative may designate, which shall be no less than ten (10) days from the date of service of such notice. If notice has already been served once during the calendar year directing removal of weeds, no further notice need be served to compel such weed removal during such calendar year.

9-3-5. Cleaning of Property upon Owner's Failure to Comply.

If any owner or occupant of property described in the notice provided in this chapter shall fail to eradicate or destroy and remove such weeds, garbage, refuse, objects or structures in accordance with such notice, the director is authorized to employ necessary assistance and cause such weeds, refuse, garbage, objects or structures to be destroyed or removed. The director shall prepare an itemized statement of all expenses incurred, including an administrative processing fee not to exceed \$100.00 in the removal and destruction of same and shall mail a copy thereof to the owner demanding payment within twenty (20) days of the date of mailing. Such notice shall be deemed delivered when mailed by registered mail and addressed to the last known address of the property owner.

9-3-6. Alternate Methods of Compelling Payment.

In the event the owner fails to make payment of the amount set forth in said statement to the Treasurer within 20 days of the date of mailing, the director may either cause suit to be brought in an appropriate court of law or refer the matter to the County Treasurer as provided in this chapter.

9-3-7. Collection by Lawsuit.

In the event collection expenses of destruction and removal are pursued through the court, the City may sue for and receive judgment for all expenses of destruction, eradication and removal, together with reasonable attorney's fees, interest and court costs and may execute upon such judgment in the manner provided by law.

9-3-8. Collection Through Taxes.

In the event that the director elects to refer the expenses of destruction or removal to the County Treasurer for inclusion in the tax notice of the property owner, he shall make in triplicate an itemized statement of all expenses incurred in such destruction and removal and shall deliver three copies of the statement to the County Treasurer within 10 days after the completion of the

work of destroying or removing such weeds, garbage, refuse, objects or structures.

9-3-9. Costs of Removal to be Included in Tax Notice.

Upon receipt of the itemized statement of the costs of destroying or removing such weeds, garbage, refuse, objects or structures, the County Treasurer shall forthwith mail one copy to the owner of the land from which the same were removed, together with a notice that objection in writing to the Board of County Commissioners may be made within thirty (30) days to the whole or any part of the statement so filed. The County Treasurer shall, at the same time, deliver a copy of the statement to the clerk of the Board of County Commissioners. If objections to any statement are filed with the commissioners, they shall set a date for hearing, giving notice thereof, and upon the hearing of the matter, fix and determine the actual cost of destruction or removal, reporting their findings to the County Treasurer. If no objections to the items of the account are made within thirty (30) days of the date of mailing, the County Treasurer may enter the amount of such statement on the assessment rolls of the County in the column prepared for that purpose. The Treasurer shall, within ten (10) days of the date of the action of the Board of County Commissioners upon any objections filed, enter in the prepared column, upon the tax rolls, the amount found by the Board to be the cost of destruction and removal. If current tax notices have been mailed, the taxes so incurred may be carried over on the rolls to the following year. After the entry by the County Treasurer to the costs of removing weeds, garbage, refuse or unsightly and deleterious objects or structures, the amount so entered shall have the force and effect of a valid judgment of the District Court and shall be a lien upon the lands from which the weeds, refuse, garbage or unsightly and deleterious objects or structures were removed and destroyed and shall be collected by the County Treasurer at the time of payment of general taxes. Upon payment thereof, receipt shall be acknowledged upon the general tax receipt issued by the Treasurer.

9-3-10. Penalty.

Any violation of the provisions of this chapter shall be deemed a class B misdemeanor and shall be punished as such.

Chapter 4 SOLID WASTE MANAGEMENT REGULATION

9-4-1. Adoption of City/County Health Regulations.

The health regulations promulgated by the Salt Lake City/County Health Department entitled SOLID WASTE MANAGEMENT, comprising Sections 1.0 through 20.0 (excluding Section 21.0) are hereby adopted for use in Sandy City with the following modifications.

- (a) Section 3.0 shall read as follows:

3.0 Jurisdiction of the Department.

All solid waste management enumerated in Section 2.0 above shall be subject

to the direction and control of the Department to the extent that such direction and control is supplemental to and compatible with rules and regulations previously adopted by Sandy City.

(b) Section 20.1 is hereby modified to read as follows:

20.1 Any person violating any of the provisions of these regulations either by failure to do those acts required herein or by doing any act prohibited herein shall be guilty of a class B misdemeanor.